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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 State Farm Fire and Casualty Company,

10 Plaintiff,

11 v.

12 Amazon.com Incorporated, LG Company,
13 LG Chem Company, and Super Engine,

14 Defendants.

15 Amazon.com Incorporated,

16 Cross-Claimant,

17 v.

18 Super Engine,

19
20 Cross-Defendant.
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No. CV-17-01994-PHX-JAT

ORDER

22 Pending before the Court is Plaintiff's motion for extension of time to serve the
23 Defendants located in Korea. As the Court has already recounted, Plaintiff has not been
24 exercising diligence in serving the various Defendants located in foreign countries. (Doc.
25 50). In this particular motion (Doc. 54), including the supplement required by the Court
26 (Doc. 56), Plaintiff failed to explain why the documents required for service in Korea
27 were not transmitted to the Korea authorities until September 11, 2017, when this case
28 has been pending in federal court since June 23, 2017. Moreover, this case was removed

1 to federal court. Plaintiff actually filed this case in state court on May 22, 2017 and could
2 have begun the procedures for serving as early as May. Thus, the Plaintiff has offered no
3 cause why Plaintiff did not attempt service between May 22, 2017 and September 11,
4 2017.

5 In the court-ordered status report Plaintiff filed on August 1, 2017, Plaintiff stated
6 that it would need four months to serve the Defendants located in Korea. As a result, on
7 August 7, 2017, the Court set a service deadline of October 23, 2017 (Doc. 22), four
8 months from when then case was filed in federal court. In neither the status report nor in
9 any motion for reconsideration or clarification, did Plaintiff advise the Court in August
10 that Plaintiff had done nothing to begin the four month process for completing service;
11 and, thus, it would be impossible to meet the Court's deadline.

12 Additionally, service was rejected by the Korean authorities because Plaintiff
13 transmitted the original complaint, not the amended complaint. However, in reality, the
14 operative complaint in this case is actually the Third Amended Complaint. Plaintiff has
15 not shown good cause or excusable neglect explaining which of the four versions of the
16 complaint was actually sent and why Plaintiff did not send the correct version.

17 The Korean authorities rejected the service on September 27, 2017. Plaintiff
18 claims to have not received notice of this until October 19 or 20, 2017. On October 23,
19 2017, (the deadline to complete service) Plaintiff filed the currently pending motion for
20 more time. In the motion, Plaintiff seeks an additional five month (until March 19, 2018)
21 to complete service – 1 week to have the correct documents translated, 4 months to serve
22 the documents, and 3 weeks which are unexplained.

23 On this record, the Court will grant one further extension of time. However, there
24 will be **no further extensions** of this deadline. Accordingly,

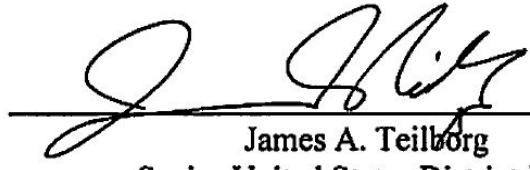
25 **IT IS ORDERED** that Plaintiff's motion (Doc. 54) is granted to the limited extent
26 that Plaintiff has until March 5, 2018 to serve the Defendants located in Korea.¹ Proof of
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28 ¹ LG Company and LG Chem Company.

1 service must be filed no later than March 6, 2018 or these Defendants will be dismissed.

2 Dated this 26th day of October, 2017.

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James A. Teilborg
Senior United States District Judge